

CONDITIONS OF ALL PUBLIC SPACE APPLICATIONS AND PERMITS

The applicant, or the applicant's authorized agent, in affixing his or its signature hereto and in accepting any permit issued on the basis of this application, agrees that the applicant and any person, firm or corporation employed by the applicant, when working on or occupying public space as authorized by the said permit, whether such work or occupancy is on, or above the surface of such space, will comply with the following conditions:

- (1) That the performance of such work or the occupancy of such space shall be strictly in accordance with the conditions set forth herein and on both sides of the permit authorizing such work or occupancy of public space.
- (2) That the performance of such work or the occupancy of such space as authorized by the said permit shall be in full compliance with all applicable laws and regulations of the District of Columbia.
- (3) That the applicant, at the risk and expense, guarantees that the public space occupied by the applicant or required for the performance of the work authorized by the said permit, at all times will be kept in a safe condition, and where the work aforesaid results in any excavation in any street, alley, sidewalk, or other public space, the applicant will insure that such excavation is kept in a safe or resurfacing of the street, alley, sidewalk, or other public space has been repaired or resurfaced by the District of Columbia. The repair or resurfacing of the street, alley, sidewalk or other public space made necessary by the excavation, will be performed by the District of Columbia at the expense of the applicant.
- (4) That the applicant guarantees that if, in the opinion of the Director of the Department of Transportation or his representative, any work performed in, or occupancy of, public space by him or on his behalf, in any manner becomes dangerous to, or interferes unnecessarily with, pedestrian or vehicular traffic, the applicant will take such action as, in the opinion of the said Director or his representative is necessary to remove such dangerous condition or unnecessary interference with traffic.
- (5) That the applicant will save harmless, indemnified the District of Columbia, its officers and employees, from all claims, suits, charges, counsel fees, and judgments to which the said District, its officers and employees may be subject on account of injury to persons or damage to property, including property of the District of Columbia, due to negligence of the applicant, or occasioned by work not authorized by said permit, or resulting from failure to observe and comply with terms and conditions of this application.
- (6) That the applicant agrees that the backfilling of any excavation made by him or on his behalf will be performed in the manner prescribed below and should any settlement or sinking resulting from backfilling occur within two (2) years after the District of Columbia, at the applicant's expense, has repaired or resurfaced the surface of the public space in which excavation was made, the applicant nevertheless will save harmless, indemnify and keep indemnified the District of Columbia from any injury, loss cost, or damage occasioned by a physical change in such repaired or resurfaced public space.

Should repairs become necessary over said excavation during the aforementioned period due to settlement of said excavation occasioned by improper excavation work or backfilling, the necessary re-excavation and repair shall be done by the District of Columbia and the cost thereof shall be charged to the applicant.

- (7) That the applicant agrees that all portions of the street excavated will be put in as good condition as before the excavation was made and that such excavation will be backfilled within twenty-four (24) hours after approval by the District (if required) of the construction, connections or repairs

installed or made therein, such backfilling not extend more than two inches (2") above the adjoining pavement or surface and to be thoroughly compacted in such manner as to avoid any sinking or settlement either of the backfill or of any pavement laid thereon for a period of two (2) years after the area over such excavation has been repaired or resurfaced by the District.

- (8) That the applicant agrees that on each day any work is to be performed under the authority of this permit, he will notify the Office of Coordinator of Underground Construction, prior to the commencement of such work, of all locations at which any of the said work is to be performed, and whether such work is new work or work already in progress.

SPECIAL ATTENTION -- In addition to the requirements of Standard Specifications of the Department of Transportation regarding work on Saturdays, Sundays, or legal holidays, the performed under the permit on Saturdays, Sundays, or legal holidays except with the consent of the Department of Transportation.

CONDITIONS OF EXCAVATION IN PUBLIC SPACE AND TREATMENT OF TREES IN PUBLIC SPACE

- (1) No cut will be made in roadway or alley unless material to complete the job is on hand or immediately available, that work will be carried to completion in the shortest possible time, and that there will be no interference with traffic unless such interference is specifically authorized by the Director of the Department of Transportation or his representative.
- (2) A clear, safe pedestrian passageway not less than 6 feet wide, in line with any existing sidewalk, will be provided at all times unless otherwise authorized by the Director of the Department of Transportation or his representative.
- (3) The applicant will not cut or injure trees, or pile earth or other material within 3 feet of trees unless such trees are properly protected in a manner approved by the Department of Transportation or his representative.
- (4) No existing underground construction will be interfered with.
- (5) All pipes and conduits except as otherwise specified in Section 408-2 of D.C. Plumbing Code, will be laid not less than 30 inches below any roadway, not less than 24 inches below grade on other public space, except that street light conduits may be laid not less than 18 inches below any approved grade, unless otherwise authorized.
- (6) Surface (lawns, grass, shrubs, sidewalks, etc.) will be restored upon completion of work.

CONDITIONS OF TREATMENT OF TREES IN PUBLIC SPACE

- (1) All material, equipment, surplus excavated material, debris, etc., will be removed from public space as soon as possible, consistent with working hours and conditions, within three working days following the completion of the work authorized by the permit.

- (2) In the event the District of Columbia, as a consequence of any failure of the applicant to maintain the public space in a safe condition, is required to repair said public space, such repair by the District of Columbia shall be at the applicant's expense and the applicant agrees to reimburse the District of Columbia for all costs of such repair and shall not be relieved of responsibility for maintaining said public space in safe condition, by reason of any such repair.

CONDITION OF ERECTING OR REPAIRING RETAINING WALLS, FENCES, COPINGS, LEADS AND STEPS, PLANT HEDGES, OR PAVED PARKING IN PUBLIC SPACE

The fence, wall copings, leads, steps, or hedges will not obstruct entrance to any accessible parking area required by the Zoning Regulations of the District of Columbia.

CONDITIONS OF GRADING STREETS OR ALLEYS

- (1) All trees, stumps and underbrush are to be removed from the sub-grade.
- (2) The alley or street when graded will be left in a safe, smooth, and well-drained condition so that no water will be impounded.
- (2) Notify Grading Engineer of the Street Division at least ten (10) days prior to starting this grading work. Notify the Chief Inspector of Street Division twenty-four (24) hours in advance of starting the work. The permit will be delivered on the job by the inspector.

CONDITIONS OF CONSTRUCTING SIDEWALK, CURB & GUTTER, ALLEY OR DRIVEWAY

- (1) The work will be done at the whole risk and cost of the property owner, in accordance with Standard Specifications of the District of Columbia, and under the supervision of the Department of Transportation, Street Division, and will conform to line and grade furnished by the said Department, and the owner will assume responsibility for all damage to persons or property occurring as a consequence of the use of public space.
- (2) The permit is to be delivered by a District representative, to the applicant or his agent at the site of the work, and until so delivered, no operations thereunder, other than the necessary grading of the sidewalk, may be performed by the applicant or his agent. The applicant or his agent will notify the Engineer of Streets not less than twenty-four hours prior to the scheduled commencement of the work authorized by the permit, of the time when construction operations are to commence, in order that the District representative may deliver the said permit.

CONDITION OF CONSTRUCTING OR REPAIRING DRIVEWAY

In the event the District of Columbia, as a consequence of any failure of the applicant to maintain the public space comprising applicant's driveway in a safe condition, is required to repair said public space, such repair and shall not be relieved of responsibility for maintaining said public space in safe condition, by reasons of any such repair.

CONDITIONS OF RENTAL OF PUBLIC SPACE AND SIDEWALK CAFÉ

- (1) The applicant understands that the rental of public space is temporary and that no right, title, or interest in such public space is conveyed by the permit.
- (2) The Director of Department of Transportation may, by written notice, require the permittee to vacate all or part of the rental public space at any time. Upon demand to vacate such public space, the permittee will promptly remove any person property on the rented space, or reimburse the District for the cost of moving such property.
- (3) The permittee shall have no recourse against the District of Columbia, the United States, the officers or agents of District of Columbia, the officers or agents of the United States for any loss or damage occasioned by the permittee being required to vacate all or any part of the surface space which he had been granted permission to use.
- (4) All provisions of Article 43 of the D.C. Police Regulations will be strictly adhered to.
- (5) Plans, permits and letters of approval from the Public Space Committee must be kept on the rented public premises at all times.